

translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Rec'd PCT/PTC 16 MAR 2005

PCT/DE2003/002889



Applicant's or agent's file reference 2002P13477WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE2003/002889	International filing date (day/month/year) 01 September 2003 (01.09.2003)	Priority date (day/month/year) 16 September 2002 (16.09.2002)
International Patent Classification (IPC) or national classification and IPC G06F 17/30, 17/60		
Applicant SIEMENS AKTIENGESELLSCHAFT		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 19 March 2004 (19.03.2004)	Date of completion of this report 09 September 2004 (09.09.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-12 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-18 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/1 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3-9, 12-18	YES
	Claims	1-2, 10-11	NO
Inventive step (IS)	Claims		YES
	Claims	3-9, 12-18	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations

1. The application does not meet the requirements of PCT Article 6 because claims 1, 2 and 10 are unclear.

Claims 1 and 10 do not make clear how the system and the process function. The second means (6) update the updating stamps and the third means (7) then compare the updating stamps - when are the information units considered and updated? Moreover, it is not clear how the second means update the updating stamp - what do the second means do?

Further, it is unclear how the information displayed on the client is updated, since reference is made only to the allocation and comparison of updating stamps. Consequently, the claims attempt to define the subject matter in terms of the result to be achieved. Such a definition is allowable only under the conditions set out in the PCT Examination Guidelines, paragraph III-4.7. However, in the present case such wording is not allowable, since it appears to be possible to describe the claimed subject matter more concretely: that is, to indicate the steps whereby the effect is achieved.

The subject matter of claim 2 appears to clarify some of the above-indicated defects of claim 1. However, how such updating takes place remains unclear in claim 2. How is the client actuated to carry out a reload?

Further, the independent claims do not make clear the origin of the newly received information units. The description explains that they come from automation devices (10) and via the Internet (12).

Further, independent claims 1 and 10 do not make clear where the first, second and third means are located: in the server or in the client? The subject matter of claim 7 (and of claim 16) appears to be essential (see figure 1 and the description thereof).

The description (page 10, line 37, and page 11, lines 7-9) makes clear that the second means (6) update the updating stamp by incrementing an "updating stamp" counter from t to $t+1$. This feature appears to be missing from the independent claims.

The description (page 10, lines 8-15 and 25-28) makes clear that on the web side a cyclic function that runs on the client (more precisely, a client-side script code) transmits URI validation requests to the URI validator (5) in the server (3) for the current updating stamp $t[8]$, using the web service implementation (7) in the server (3). This feature also appears to be missing from the independent claims.

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2. The observations below are based on the above-indicated clarifications of the independent claims.

3. Reference is made in this report to the following search report citations:

D1: US-A-6094662

D2: URI: Generic Syntax, XP2272087

D3: GB-A-2333864

D4: EP-A-0284924

D5: US-A-5764992

D6: US-A-6006034

D7: US-A-5564051

4. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claims 1 and 10 is not novel within the meaning of PCT Article 33(2).

The subject matter of claims 1-2 and 10-11 does not appear to be novel over D1 (see the passages in D1 cited in the search report). With respect to column 5, lines 3-8: note that the definition "a mechanism for identifying a portion of a page" comprehends the Uniform Resource Identifier (URI) format (see D2), which was well known at the priority date and is therefore also implicitly disclosed. No features were found in dependent claims 3-9 and 12-18 owing to which the subject matter of the claims to which they refer back would appear novel or to involve an inventive step over D1, since such features are either known from D1 or form part of the technical knowledge of a person skilled in the art.

5. Further, irrespective of the above objections, the

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subject matter of claims 1-2 and 10-11 does not appear to be novel over D4 (see the passages in D4 cited in the search report). The second means (6) defined in independent claims 1 and 10 are implicitly disclosed in D4 (column 3, line 46 to column 4, line 13). No features were found in dependent claims 3-9 and 12-18 owing to which the subject matter of the claims to which they refer back would appear novel or to involve an inventive step over D4, since such features are either known from D4 or form part of the technical knowledge of a person skilled in the art.

Further, the subject matter of claims 1-2 and 10-11 does not appear to be novel over D5 (see the passages in D5 cited in the search report). The second means (6) and third means (7) defined in independent claims 1 and 10 are implicitly disclosed in D5, since they are standard techniques for managing more recent versions and updating programs and must, consequently, also be used in D5. No features were found in dependent claims 3-9 and 12-18 owing to which the subject matter of the claims to which they refer back would appear novel or to involve an inventive step over D5, since such features are either known from D5 or form part of the technical knowledge of a person skilled in the art.

Further, the subject matter of claims 1-2 and 10-11 does not appear to be novel over D6 (see the passages in D6 cited in the search report). No features were found in dependent claims 3-9 and 12-18 owing to which the subject matter of the claims to which they refer back would appear novel or to

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involve an inventive step over D6, since such features are either known from D6 or form part of the technical knowledge of a person skilled in the art. The same objection applies when proceeding from D3 and D7.

6. Further observations

6.1 Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or indicate the relevant prior art disclosed therein.

6.2 Contrary to PCT Rule 5.1(a)(iii), the description has not been brought into line with the claims. The abstract summarizing the invention should relate to the independent claims and indicate their category.

6.3 Independent claims 1 and 10 have not been drafted in the two-part form in accordance with PCT Rule 6.3(b).